

JUDGE GARDEPHE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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08 Civ. ()

VLAD LYUBOVNY p/k/a "DJ VLAD,"

Plaintiff,

-against-

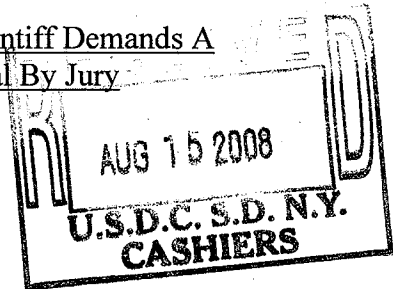
WILLIAM LEONARD ROBERTS II p/k/a "RICK ROSS,"

Defendant.
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COMPLAINT

Plaintiff Demands A

Trial By Jury



Plaintiff Vlad Lyubovny, p/k/a "DJ Vlad," by his attorneys Caplan & Ross, LLP for his complaint against the defendant herein alleges as follows:

NATURE OF ACTION

1. This is an action to redress a brutal attack upon DJ Vlad engineered by Rick Ross (a platinum rap recording artist) with the purpose and intent to stifle his journalistic reporting and freedom of expression. Rick Ross, who painstakingly created his public persona to be that of a major drug dealer and "gangster," in reality is a former correctional officer. DJ Vlad, an established and respected member of the music community, hosts a hip-hop news website which commented upon these facts. With calculated planning, Rick Ross lured DJ Vlad to a meeting for the purpose of obtaining retribution. At that meeting, Rick Ross' entourage of thugs carried out Rick Ross' wishes in his presence and severely beat DJ Vlad causing permanent bodily injury. As a result, plaintiff DJ Vlad seeks two million (\$2,000,000) dollars in compensatory damages and significant punitive damages to deter further similar conduct by Rick Ross.

2. Plaintiff Vlad Lyubovny, popularly known as “DJ Vlad,” is a resident and citizen of the State of New Jersey who maintains his principle place of business in New York City.

3. Upon information and belief, Defendant William Leonard Roberts II, popularly known as “Rick Ross” (hereinafter “Ross”) (derived from the name of infamous drug trafficker “Freeway Ricky Ross” to whom he has no connection), is a resident and a citizen of the State of Florida and regularly transacts business within the State of New York.

JURISDICTION AND VENUE

4. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), in that diversity of citizenship exists between plaintiff and defendant and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

5. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(a)(3) in that defendant is subject to jurisdiction within the Southern District of New York.

BACKGROUND

6. DJ Vlad has been involved in the music industry for over 8 years. Among other things, he has served as a radio disc jockey, produced major television shows, directed motion pictures and has run a Hip-Hop news website.

7. Over the years, DJ Vlad has interviewed numerous music industry performers, producers and record company officials for radio, television, documentaries and the internet.

8. Vladtv.com is a Hip-Hop internet news site which was formed in 2006 and has served as a forum for commentary on developments in the urban music community for over 2 years.

9. DJ Vlad maintains an office in New York City to run Vladtv.com and to interview music industry artists. DJ Vlad conducts 2 to 4 interviews per week at his New York City office.

Portions of the interviews are placed on the Vladtv website weekly. Vladtv.com receives approximately 1 million views per week.

10. DJ Vlad has attended numerous music industry functions as a member of the press.

11. Based upon DJ Vlad's entertainment industry related activities, he has grown to become an established and well-respected member of the music community.

12. Ross has been a recording artist and performer in the music industry since approximately 2006.

13. During that time frame, he has released approximately 2 albums on the Slip N Slide label and sold over 1 million records.

14. Ross' latest album, "Trilla," was released in March 2008 and has sold over 500,000 copies.

15. Ross' records are distributed by Def Jam Records, located in New York City.

16. Upon information and belief, Ross has earned significant revenue in the State of New York by reason of, among other things, his record sales.

17. As part of Ross' public persona, Ross has represented himself in interviews through the media (T.V., radio, magazines and newspapers) to have been a former drug dealer in order to bolster his "tough guy" image.

18. During 2008, rumors began to circulate that Ross was, in fact, a former correctional officer, which was inconsistent with the persona that Ross had created for himself.

19. In reporting and commentating on these events, from July 2008 onward, DJ Vlad covered the ongoing investigation into Ross' past on Vladtv.com. Among the clips aired on the website was one in which Ross was shown in a correctional officer's uniform.

20. On August 10, 2008, DJ Vlad was in Houston Texas in order to attend the Ozone Awards, a music industry function honoring hip hop artists.

21. DJ Vlad attended the Ozone Awards in his capacity as a journalist and was given a press pass by the sponsors of the event.

22. On August 10, 2008, during the early afternoon, Ross sent a text message to DJ Vlad that stated as follows:

“Niggas will learn...trillaaaa”

23. Ross had been interviewed by DJ Vlad on at least 2 prior occasions and was familiar with DJ Vlad’s contact information.

24. DJ Vlad responded to Ross’ text message with a text message stating:

“Who’s this?” as he did not know who had sent the message.

25. Ross, in turn, text messaged DJ Vlad:

“Ross..im hearing things”

26. DJ Vlad responded:

“What’s up?”

27. Following DJ Vlad’s second responsive text message, Ross called DJ Vlad and told him, among others things, the following:

“I’ve been hearing things about me on your website.”

We gonna make a story.

We going to see each other.

We going to talk.

Where are you?”

28. During Ross' conversation with DJ Vlad, Ross learned that both he and DJ Vlad were in Houston to attend the Ozone Awards and Ross told DJ Vlad he would call him and tell him where he wanted to meet. DJ Vlad told Ross that he would be happy to meet him and discuss with him any concerns that Ross had.

29. Later, on August 10, 2008, Ross called DJ Vlad and told him where and when to meet him.

30. Shortly thereafter, on the second floor of the Hilton Hotel in Houston, Texas, DJ Vlad met Ross, who was accompanied by at least 4 others (hereinafter "Ross' Accomplices").

31. Following a brief conversation between DJ Vlad and Ross in which Ross said, "We got beef," Ross' Accomplices, who had surrounded DJ Vlad while he spoke with Ross, proceeded to strike and beat DJ Vlad in Ross' presence and without any protest on Ross' part.

32. Ross and Ross' Accomplices fled the scene together, while DJ Vlad lay on the ground bleeding profusely, during which time one of his attackers stated, "Yeah mother fucker, that's what you get."

FIRST CLAIM

33. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 32 hereof as if fully set forth herein at length.

34. On August 10, 2008, while DJ Vlad was lawfully at the Ozone Awards, hosted at the Hilton hotel in Houston, Texas, Defendant Ross and Ross' Accomplices, acting upon the direction and behest of Ross, without just cause or provocation, did intentionally, willfully, maliciously and unjustifiably, brutally assault, batter and strike Plaintiff, about his head and body, causing serious personal injuries.

35. That as a result of the foregoing, Plaintiff was severely injured about the head, body and limbs, was caused to suffer severe shock to his nervous system; was caused to suffer and still continues to suffer great physical pain, mental anguish and bodily injuries. Plaintiff's injuries include, but are not limited to, 7 stitches near his eye, a corneal abrasion, 3 fractures in his face and possible permanent nerve damage.

36. Upon information and belief, Ross has threatened to assault and/ or assaulted other individuals prior to August 10, 2008.

37. That by reason of the foregoing, Plaintiff has been damaged in the sum of \$2,000,000 dollars, and is entitled to an award of punitive damages in the sum of \$2,000,000 dollars.

WHEREFORE, Plaintiff demands judgment against Defendant Ross as follows:

1. On the First Cause of Action, compensatory damages in the sum of \$2,000,000 dollars, plus punitive damages in the sum of \$2,000,000 dollars.
2. The costs and disbursements of this action, and;
3. Such other and further relief as the Court deems just and proper.

Dated: New York, New York
August 15, 2008

CAPLAN & ROSS, LLP

By: _____

Brian D. Caplan (BC-1713)
Jonathan J. Ross (JR-0581)

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